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| 10/047,925 | 01/14/2002 | Raymond Moore | 020375-008600US | 2629 |

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| EXAMINER |
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MEINECKE DIAZ, SUSANNA M

| ART UNIT | PAPER NUMBER |
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3623

DATE MAILED: 09/18/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

SW

Office Action Summary

Application No.

10/047,925

Applicant(s)

MOORE, RAYMOND

Examiner

Susanna M. Diaz

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This Final Office action is responsive to Applicant's amendment filed August 28, 2003.

Claim 27 has been amended.

Claims 1-27 are pending.

2. The previously pending objection to the declaration is withdrawn in response to Applicant's submission of a substitute declaration.

The previously pending objection to the specification is withdrawn in response to Applicant's amendment of the specification.

The previously pending claim objection is withdrawn in response to Applicant's amendment of claim 27.

Response to Arguments

3. Applicant's arguments filed August 28, 2003 have been fully considered but they are not persuasive.

Applicant argues that CACI's FieldForce Planning services and territory optimization software do not expressly disclose "receiving a trace defining a closed geographic area" nor is it inherent (Page 9 of Applicant's response). The Examiner respectfully disagrees. Merriam Webster's Collegiate Dictionary (10th ed.) provides the following pertinent definition of the verb *trace*: "delineate, sketch." Examiner has imparted this definition to the claimed *trace*. As pointed out in the art rejection, "CACI

Information Solutions” discloses various maps with distinct territories identified (Page 6, ¶¶ 2-4, InSite Field Force map; Page 7, ¶¶ 5-6, figure). The outlined boundaries of these individual territories as well as the exterior of the area containing all of the territories are delineated/sketched, i.e., traced, as such; therefore, the Examiner submits that CACI’s FieldForce Planning services and territory optimization software does indeed disclose “receiving a trace defining a closed geographic area.”

Applicant argues that “there is no disclosure in the cited art of the limitation of ‘identifying at least one geographical unit *within* the closed geographical area” (Page 9 of Applicant’s response). The Examiner respectfully disagrees. First, the word *within* only implies containment. In other words, if A is *within* B, then A is a subset of B. While A cannot extend beyond B, A is not precluded from being equal to B. Similarly, the claim language does not preclude the closed geographical area from covering the same area as the geographical unit. Second, “CACI Information Solutions” discloses various maps with distinct territories identified (Page 6, ¶¶ 2-4, InSite Field Force map; Page 7, ¶¶ 5-6, figure). The outlined boundaries of these individual territories as well as the exterior of the area containing all of the territories are delineated/sketched, i.e., traced. Similarly (e.g., in accordance with at least claims 7, 8, 15, 16, 21, and 22), a combination of distinct territories within the collection of all mapped territories, e.g., the closed geographical area, is also representative of a geographical unit comprising a set of established geographical units. Therefore, the Examiner submits that CACI’s FieldForce Planning services and territory optimization software does indeed disclose “identifying at least one geographical unit within the closed geographical area.”

Applicant argues Examiner's motivation statement used to address the recitations of a freehand trace, pen and digitizing tablet, and touch screen (Pages 10-11 of Applicant's response). Applicant explains, "What the use of a freehand trace advantageously permits, and which is not addressed by either the Office Action or the cited art, is the ability to define a closed geographical area that surrounds at least one geographical unit that is subsequently identified within the geographical area" (Page 11 of Applicant's response). In response to Applicant's argument, the fact that Applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). The fact that CACI's FieldForce Planning services and territory optimization software provides a simple means for entry of data, as asserted by the Applicant, does not prevent one of ordinary skill in the art from further enhancing the software with other well-known techniques for facilitating data entry. Therefore, the Examiner maintains that she has established a valid *prima facie* case of obviousness regarding the recitations of a freehand trace, pen and digitizing tablet, and touch screen.

Accordingly, the art rejection of record is maintained.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-3 and 7-27 are rejected under 35 U.S.C. 102(a) as being anticipated by

CACI's FieldForce Planning services and territory optimization software, which are commonly used together, as disclosed in:

"CACI Information Solutions" (published Summer 2001 in Marketing Solutions Today and retrieved from <URL: http://www.caci.co.uk/pdfs/mst_Summer_2001.pdf> on May 17, 2003]); and

"CACI Limited Home Page" (dated June 2001 and retrieved from <URL: <http://web.archive.org/web/20010610010807/www.caci.co.uk>> on May 26, 2003]).

CACI discloses a method for managing a geographical distribution of business representatives, the method comprising:

[Claim 1] receiving a trace defining a closed geographical area ("CACI Information Solutions": Pages 6-7; "CACI Limited Home Page": Page 5 -- Identifying a closed geographical area is inherent to allow CACI to analyze the sales territory(ies) to be optimized);

identifying at least one geographical unit within the closed geographical area ("CACI Information Solutions": Page 6, ¶¶ 2-4, InSite Field Force map; Page 7, ¶¶ 5-6, figure; "CACI Limited Home Page": Page 5); and

receiving information regarding the at least one geographical unit in response to input from a user ("CACI Information Solutions": Page 6, ¶¶ 2-4, InSite Field Force map; Page 7, ¶¶ 5-6, figure; "CACI Limited Home Page": Page 5);

[Claim 7] wherein the at least one geographical unit is comprised by a hierarchy of geographical units ("CACI Information Solutions": Page 6, ¶¶ 2-4, InSite Field Force map; Page 7, ¶¶ 5-6, figure; "CACI Limited Home Page": Page 5);

[Claim 8] wherein the at least one geographical unit is comprised by an established set of geographical units ("CACI Information Solutions": Page 6, ¶¶ 2-4, InSite Field Force map; Page 7, ¶¶ 5-6, figure; "CACI Limited Home Page": Page 5);

[Claim 10] updating an assignment of business representatives to geographical units in accordance with a change in the established set of geographical units ("CACI Information Solutions": Page 6, ¶¶ 2-4, InSite Field Force map; Page 7, ¶¶ 5-6, figure; "CACI Limited Home Page": Page 5);

[Claim 12] displaying an assignment of a plurality of business representatives to a plurality of geographical units graphically ("CACI Information Solutions": Page 6, ¶¶ 2-4, InSite Field Force map; Page 7, ¶¶ 5-6, figure; "CACI Limited Home Page": Page 5);

[Claim 25] modifying a stored characteristic of the at least one geographical unit in response to the received information ("CACI Information Solutions": Page 6, ¶¶ 2-4, InSite Field Force map; Page 7, ¶¶ 5-6, figure; "CACI Limited Home Page": Page 5);

[Claim 2] wherein modifying the stored characteristic of the at least one geographical unit comprises assigning a business representative to the at least one geographical unit ("CACI Information Solutions": Page 6, ¶¶ 2-4, InSite Field Force map; Page 7, ¶¶ 5-6, figure; "CACI Limited Home Page": Page 5);

[Claim 3] wherein assigning a business representative to the at least one geographical unit comprises substituting the business representative to the at least one

geographical unit ("CACI Information Solutions": Page 6, ¶¶ 2-4, InSite Field Force map; Page 7, ¶¶ 5-6, figure; "CACI Limited Home Page": Page 5);

[Claim 9] wherein modifying the stored characteristic of the at least one geographical unit comprises removing the at least one geographical unit from an established set of geographical units ("CACI Information Solutions": Page 6, ¶¶ 2-4, InSite Field Force map; Page 7, ¶¶ 5-6, figure; "CACI Limited Home Page": Page 5 -- Territories can be reorganized into a different subset of territories);

[Claim 11] wherein modifying the stored characteristic of the at least one geographical unit comprises adding the at least one geographical unit to an established set of geographical units ("CACI Information Solutions": Page 6, ¶¶ 2-4, InSite Field Force map; Page 7, ¶¶ 5-6, figure; "CACI Limited Home Page": Page 5 -- Territories can be reorganized into a different subset of territories).

[Claims 13-18, 26] Claims 13-18 and 26 recite limitations already addressed by the rejection of claims 1, 2, 7, 8, 10, 12, and 25 above; therefore, the same rejection applies.

[Claims 19-24, 27] Claims 19-24 and 27 recite limitations already addressed by the rejection of claims 1, 2, 7, 8, 10, 12, and 25 above; therefore, the same rejection applies.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over CACI's FieldForce Planning services and territory optimization software, which are commonly used together, as disclosed in:

"CACI Information Solutions" (published Summer 2001 in Marketing Solutions Today and retrieved from <URL: http://www.caci.co.uk/pdfs/mst_Summer_2001.pdf> on May 17, 2003]); and

"CACI Limited Home Page" (dated June 2001 and retrieved from <URL: <http://web.archive.org/web/20010610010807/www.caci.co.uk>> on May 26, 2003]), and as applied to claim 1 above.

CACI discloses the input of a specified geographic territory data, which implies the use of a type of trace to define the specified geographic territory and subterritories thereof; however, CACI fails to expressly teach that a trace may be entered in the form of a freehand trace (claim 4), using either a pen and digitizing tablet (claim 5) or a touch screen (claim 6). However, Official Notice is taken that it is old and well-known in the art of graphical user interface to allow a user to input data using a freehand trace, via a pen and digitizing tablet or a touch screen. These input methods allow a user to more

Art Unit: 3623

conveniently enter data, especially data associated with various geographic coordinates (i.e., data which would require multiple inputs through a keyboard as opposed to a quick stroke of the hand to manually draw out or select a particular geographic area).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement with CACI the ability of a user to enter geographical territory data in the form of a freehand trace (claim 4), using either a pen and digitizing tablet (claim 5) or a touch screen (claim 6) in order to allow the user to more conveniently enter data, especially data associated with various geographic coordinates (i.e., data which would require multiple inputs through a keyboard as opposed to a quick stroke of the hand to manually draw out or select a particular geographic area).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3623

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:


**Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

or faxed to:

(703)305-7687 [Official communications; including
After Final communications labeled
"Box AF"]

(703)746-7048 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 22202, 7th floor receptionist.


Susanna M. Diaz
Primary Examiner
Art Unit 3623
September 15, 2003